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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

KOLAN L. DAVIS, Chief Counsel and Staff Director
JENNIFER DUCK, Democratic Chief Counsel and Staff Director

February 8, 2018

VIA ELECTRONIC TRANSMISSION

The Honorable Susan Rice
Senior Fellow, Belfer Center
Harvard University
79 John F. Kennedy Street
Cambridge, MA 02138

c/o

Kathryn Ruemmler, Esq.
Latham and Watkins LLP
555 Eleventh Street NW
Washington, DC 20004

Dear Ambassador Rice:

The Senate Judiciary Committee has a constitutional duty to conduct oversight of the FBI and the broader Department of Justice. Part of that duty involves ensuring that law enforcement efforts are conducted without improper political influence. Accordingly, the Committee has been investigating the FBI's relationship with Christopher Steele during the time his work was funded by Hillary for America and the Democratic National Committee, as well as the FBI's reliance on his unverified third-hand allegations in the Bureau's representations to courts.

As part of that effort, the Committee sent a request to the National Archives for records of meetings between President Obama and then-FBI Director Comey regarding the FBI's investigation of allegations of collusion between associates of Mr. Trump and the Russian government. In response, the Committee received classified and unclassified versions of an email you sent to yourself on January 20, 2017 – President Trump's inauguration day. If the timestamp is correct, you sent this email to yourself at 12:15pm, presumably a very short time before you departed the White House for the last time.

In this email to yourself, you purport to document a meeting that had taken place more than two weeks before, on January 5, 2017. You wrote:

On January 5, following a briefing by IC leadership on Russian hacking during the 2016 Presidential election, President Obama had a brief follow-on conversation with FBI Director Jim Comey and Deputy Attorney General Sally Yates in the Oval Office. Vice President Biden and I were also present.

That meeting reportedly included a discussion of the Steele dossier and the FBI's investigation of its claims.¹ Your email continued:

President Obama began the conversation by stressing his continued commitment to ensuring that every aspect of this issue is handled by the Intelligence and law enforcement communities "by the book". The President stressed that he is not asking about, initiating or instructing anything from a law enforcement perspective. He reiterated that our law enforcement team needs to proceed as it normally would by the book.

From a national security perspective, however, President Obama said he wants to be sure that, as we engage with the incoming team, we are mindful to ascertain if there is any reason that we cannot share information fully as it relates to Russia.

The next part of your email remains classified. After that, you wrote:

The President asked Comey to inform him if anything changes in the next few weeks that should affect how we share classified information with the incoming team. Comey said he would.

It strikes us as odd that, among your activities in the final moments on the final day of the Obama administration, you would feel the need to send yourself such an unusual email purporting to document a conversation involving President Obama and his interactions with the FBI regarding the Trump/Russia investigation. In addition, despite your claim that President Obama repeatedly told Mr. Comey to proceed "by the book," substantial questions have arisen about whether officials at the FBI, as well as at the Justice Department and the State Department, actually did proceed "by the book."

In order for the Committee to further assess the situation, please respond to the following by February 22, 2018:

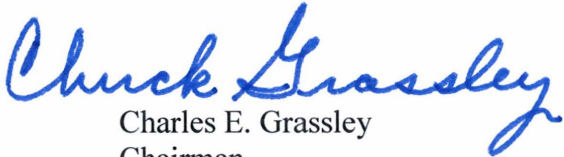
1. Did you send the email attached to this letter to yourself? Do you have any reason to dispute the timestamp of the email?
2. When did you first become aware of the FBI's investigation into allegations of collusion between Mr. Trump's associates and Russia?
3. When did you become aware of any surveillance activities, including FISA applications, undertaken by the FBI in conducting that investigation? At the time you wrote this email to yourself, were you aware of either the October 2016 FISA application for surveillance of Carter Page or the January 2017 renewal?

¹ See Evan Perez, Jim Sciutto, Jake Tapper, *Intel Chiefs Presented Trump With Claims of Russian Efforts to Compromise Him*, CNN (Jan. 12, 2017) (the IC briefings of President Obama and then-President Elect Trump included the Steele dossier); Josh Lederman, *Biden: Intel Officials Told Us Trump Allegations Might Leak*, THE ASSOCIATED PRESS (Jan. 12, 2017) (Vice President Biden told reporters: "It surprised me in that it made it to the point where the agency, the FBI thought they had to pursue it.")

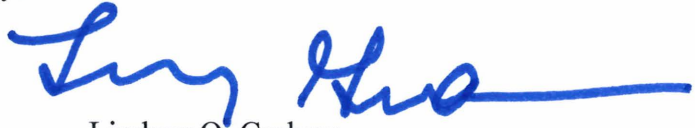
4. Did anyone instruct, request, suggest, or imply that you should send yourself the aforementioned Inauguration Day email memorializing President Obama's meeting with Mr. Comey about the Trump/Russia investigation? If so, who and why?
5. Is the account of the January 5, 2017 meeting presented in your email accurate? Did you omit any other portions of the conversation?
6. Other than that email, did you document the January 5, 2017 meeting in any way, such as contemporaneous notes or a formal memo? To the best of your knowledge, did anyone else at that meeting take notes or otherwise memorialize the meeting?
7. During the meeting, did Mr. Comey or Ms. Yates mention potential press coverage of the Steele dossier? If so, what did they say?
8. During the meeting, did Mr. Comey describe the status of the FBI's relationship with Mr. Steele, or the basis for that status?
9. When and how did you first become aware of the allegations made by Christopher Steele?
10. When and how did you first become aware that the Clinton Campaign and the Democratic National Committee funded Mr. Steele's efforts?
11. You wrote that President Obama stressed that he was "not asking about, initiating or instructing anything from a *law enforcement* perspective." Did President Obama ask about, initiate, or instruct anything from any other perspective relating to the FBI's investigation?
12. Did President Obama have any other meetings with Mr. Comey, Ms. Yates, or other government officials about the FBI's investigation of allegations of collusion between Trump associates and Russia? If so, when did these occur, who participated, and what was discussed?

Thank you for your prompt attention to this matter. Please contact Patrick Davis of Chairman Grassley's staff at (202) 224-5225 or Lee Holmes of Chairman Graham's staff at (202) 224-5972 if you have any questions.

Sincerely,



Charles E. Grassley
Chairman
Committee on the Judiciary



Lindsey O. Graham
Chairman
Subcommittee on Crime and Terrorism
Committee on the Judiciary

Enclosure: as stated.

cc: The Honorable Dianne Feinstein
Ranking Member
Committee on the Judiciary

The Honorable Sheldon Whitehouse
Ranking Member
Subcommittee on Crime and Terrorism
Committee on the Judiciary

NSC Declassification Review [EO 13526]
DECLASSIFY IN PART
by John Powers on 6/13/2017

To: Rice, Susan E [SRice@NSC.EOP.IC.GOV]
Cc: Ried, Curtis R. [CRied@NSC.EOP.IC.GOV]
From: Rice, Susan E
Sent: Fri 1/20/2017 12:15:32 PM
Importance: Normal
Subject: Note to File [TOP SECRET, Record]
MAIL_RECEIVED: Fri 1/20/2017 12:15:33 PM

Classification: ~~TOP SECRET~~

On January 5, following a briefing by IC leadership on Russian hacking during the 2016 Presidential election, President Obama had a brief follow-on conversation with FBI Director Jim Comey and Deputy Attorney General Sally Yates in the Oval Office. Vice President Biden and I were also present.

President Obama began the conversation by stressing his continued commitment to ensuring that every aspect of this issue is handled by the Intelligence and law enforcement communities "by the book". The President stressed that he is not asking about, initiating or instructing anything from a law enforcement perspective. He reiterated that our law enforcement team needs to proceed as it normally would by the book.

From a national security perspective, however, President Obama said he wants to be sure that, as we engage with the incoming team, we are mindful to ascertain if there is any reason that we cannot share information fully as it relates to Russia.

(1.4)(c), (1.4)(d)



The President asked Comey to inform him if anything changes in the next few weeks that should affect how we share classified information with the incoming team. Comey said he would.

E.O. Categories: 1.4(c)(d)
Classified on: 01/20/2017
Declassify on: 01/20/2027
